

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Deer Skeleton Well
Range Improvement Project

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0010-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

ENVIRONMENTAL ASSESSMENT REVIEW

OFFICE/AREA: Miles City Field Office	DOI-BLM-MT-C020-2013-0010-EA
	DATE POSTED: November 1, 2012
NAME: 121004_Deer Skeleton Well EA	DATE DUE: November 15, 2012
	FUNDING: 8100
LOCATION: Custer Co. T.1 N., R.45 E. Sec. 28, Lot 10	

ORIGINATOR DATE/INITIALS	TITLE	ASSIGNMENT
Dawn Doran	RMS	DLD 11/1/12

REVIEWERS	TITLE	ASSIGNMENT	DATE/INITIALS
CJ Truesdale	Archaeologist	Cultural	<i>CJ Truesdale 11/29/2012</i> <i>MT-020-13-07</i>
Bobby Baker	Wildlife Biologist	Wildlife	11/15/12 BJB
Reyer Rens	Supervisory RMS	Review	RR 12/5/2012



ENVIRONMENTAL COORDINATOR

12/12/2012
DATE

ENVIRONMENTAL ASSESSMENT

EA NUMBER: DOI-BLM-MT-C020-2013-0010-EA

RIPS# 015812 **GR#** 2503739

PROPOSED ACTION/TITLE TYPE: 121004_Deer Skeleton Well EA

LOCATION OF PROPOSED ACTION: Custer Co.
T. 1 N. R. 45 E., Section 28, Lot 10 (NWSE)

PREPARING OFFICE: Miles City Field Office

DATE OF PREPARATION: 10-4-12

CONFORMANCE WITH APPLICABLE LAND USE PLAN: This proposed action is in conformance with the Powder River RMP ROD approved in 1985, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD states on page 11 “guidelines are best management practices, treatments and techniques, and implementation of range improvements...” Page 14 of the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD says “guidelines are provided to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing.”

BACKGROUND: This is an isolated section of public domain. Currently, no water exists on the allotment. This parcel has not been grazed for many years.

SCOPING: This project was posted on Montana/Dakotas BLM webpage on 10/24/2012 for public information requests. Internal scoping identified the issues below. No additional issues were brought forth by the public.

ISSUES IDENTIFIED THROUGH SCOPING:

- Cultural/ Paleontology
Effects to cultural sites, paleontological localities or sacred sites of interest to Tribes.
- Livestock Grazing
Effects to level of permitted use.
- Vegetation
Effects to vegetative condition and meeting Standards for Rangeland Health.
- Wildlife
Effects to habitats of game and nongame wildlife species
- Visual Resource Management
Effects to visual resources.

PURPOSE AND NEED: The purpose and need is to analyze the environmental effects of developing a reliable source of livestock water on the Diamond R Creek Allotment and ensure the allotment continues to meet the Standards for Rangeland Health. Currently, a fenced public domain section has no water and is unable to be utilized.

PROPOSED ACTION:

Deer Skeleton Well: BLM, through contract, would drill and case a well on the public domain in Lot 10 of Section 28, T. 1 N., R. 45 E. up to 200 feet. The permittee would contribute additional funds to drill beyond the first 200 feet, possibly another 200 to 300 feet. The operator would equip the well with solar panels. Timing restrictions from April 15 to July 15 will be imposed for the protection of migratory bird nesting and brood rearing activities. In addition, construction will not occur from December 1 to March 31 to protect mule deer winter range. Escape ramps will be installed for the tank on public land to reduce the potential for mortality of avian and small mammal species. Overflow from the stock tank at the well would be directed to a draw below the proposed well site.

Permit change: The grazing permit will be modified to ensure that this parcel will continue to meet Standards for Rangeland Health. A grazing permit will be issued as follows:

GR 2503739

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Diamond R Creek Unit No. 00463							
Custodial	25	C	03/01	02/28	100	Active	185
Section 28 Pasture	17	C	05/15	12/1	100	Active	115

Total Active AUMs: 300

Terms and Conditions:

Line 1: Grazing is authorized during the listed season for the recognized capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted.

Line 2: The Section 28 Pasture will receive a deferred treatment grazing rotation. The season of use will be alternated from year to year. Following, is the number of grazing days, varying numbers of animal units (A.U.) the Section 28 pasture will provide:

115 A.U.	30 days
57 A.U.	60 days
45 A.U.	78 days

ALTERNATIVE 1 - NO ACTION: A well would not be drilled and completed. No changes will be made to the grazing permit.

ALTERNATIVE CONSIDERED BUT DROPPED FROM FURTHER ANALYSIS:

Pits/Reservoirs: A reservoir was considered, but was not pursued due to marginal soils and lack of suitable spillway.

AFFECTED ENVIRONMENT:

The following critical resources have been evaluated and are not affected by the proposed action or the alternatives in this EA:

Mandatory Item	Potentially Impacted	No Impact	Not Present On Site
Threatened and Endangered Species			X
Floodplains			X
Wilderness Values			X
ACECs			X
Water Resources		X	
Air Quality		X	
Cultural or Historical Values			X
Prime or Unique Farmlands			X
Wild & Scenic Rivers			X
Wetland/Riparian			X
Native American Religious Concerns			X
Wastes, Hazardous or Solids			X
Invasive, Nonnative Species			X
Environmental Justice			X

The following non-critical resources will not be impacted by this proposed action; therefore they will not be analyzed in detail by this Environmental Assessment: Hydrology, Minerals, Fire, Forestry, Geology, Lands/Realty, Recreation.

Cultural: The cultural environment of the Miles City Field Office as of May 2005 contained 7065 prehistoric and 2869 historic archeological sites as well as 1929 paleontological localities. Archeological sites occur in all counties

encompassed by the field office; all but Roosevelt County contain paleontological localities (Aaberg et. al. 2006). Paleontological localities primarily occur within the Hell Creek and Fort Union geologic formations. 95% of all paleontological localities occur in Garfield, Carter, Dawson, McCone, Powder River, and Treasure Counties. The overall archeological site density of the Miles City Field Office (historic and prehistoric) is 1 site per 93 acres (Aaberg et. al. 2006). Prehistoric sites distribute at 1 site per 130.8 acres (4.9/sq. mile). Historic sites distribute at 1 site per 322 acres (2/sq. mile) for all surveyed acres within the Miles City Field Office. Archeological sites within Custer County contain 8.4% of all recorded prehistoric sites and 6.8% of all historic sites within the Miles City Field Office (Aaberg et. al. 2006). The class III cultural resource inventory of 10 acres centered on the proposed well location did not yield in the identification or recordation cultural sites or isolates. See Report Number: MT-020-13-07.

Grazing Administration: The current permit is as follows:

GR 2503702

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Diamond R Ck Unit No. 00463	25	C	03/01	02/28	100	Active	300

Total Active AUMs: 300

Terms and Conditions:

Grazing not to exceed the surveyed carrying capacity of the public lands. The terms and conditions of your permit may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.

Livestock Grazing: Section 28 has not been grazed for several years. There is no water. The permittee stated he tried hauling water in the early 2000s to approximately 45 heifers. The next year the stocktank burned and he has not attempted it again.

Soils: The soils in the project area have developed in colluvium and residuum derived from the Tongue River Member of the Tertiary Fort Union Formation. Lithology of these units consists light to dark yellow and tan siltstone and sandstones with coal seams in a matrix of shale. In some areas, the near-surface coals have burned, baking the surrounding rock, producing red, hard fragments (clinker). Differences in lithology have produced the topographic and geomorphic variations seen in the area. Higher ridges and hills are often protected by an erosion-resistant cap of clinker (porcellanite) or sandstone. Soils within the area are distributed according to primary differences in parent material (both residual and depositional), elevation, moisture, and topographic slope and position. Soils are deep (>40 inches) on alluvial fans, basins, and valley alluvium. Shallow soils (<20 inches) occur on plains and ravines underlain by sandstone, siltstone, and shale bedrock as well as in areas with steeper topography. Moderately deep soils are those considered between 20 and 40 inches; these soils generally lie on residual upland plains and relatively gentle sideslopes. Soils are generally productive, though they vary with texture, slope and other characteristics. There are no sodium salts present in large enough amounts to effect plant growth and productivity. Slopes may be as much as 75 percent though are generally 12 to 25 percent.

Vegetation: The Diamond R Creek Unit Allotment was assessed for the Standards for Rangeland Health in 1999. The assessment determined the Standards for Rangeland Health were being met. Field visits have been made to confirm that determination. The plant community is dominated by grass and shrub components. Species present include western wheatgrass, green needlegrass, bluebunch wheatgrass, little bluestem, big bluestem, prairie sandreed, blue gramma, skunkbush sumac, snowberry, chokecherry, silver sagebrush, and yucca.

A recent search of the Montana Natural Heritage Tracker database found no known inventories for special status plant species on the allotment.

VRM: The VRM is within a Class IV objective. The objective of this class is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be major focus of viewer attention.

However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance and repeating the basic elements.

The landscape is typical for this portion of Custer County. The uplands are rolling hills covered by Ponderosa Pine, Rocky Mountain juniper with an understory of native vegetation.

Wildlife: The allotment provides habitat for elk, pronghorns, mule deer, sharp-tailed grouse, turkeys, and numerous non-game animals and nesting birds, including migratory bird species. Two “unknown” status sharp-tailed grouse leks exist to the southwest approximately 2 ¼ to 2 ½ miles. There are no known habitats for endangered or threatened species in this area.

ENVIRONMENTAL IMPACTS:

DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:

Cultural: No impact to cultural resource through the proposed action. The permit change meets exemption criteria H8110-1, Appendix I, Range I.

Grazing Administration: See proposed action for grazing schedule.

Livestock Grazing: The operator will be able to incorporate this pasture into his grazing operation, providing more opportunity to defer grazing in other areas.

Soils: Compaction of area soils would occur from the well drilling equipment. Damage to vegetation from the equipment would also occur. The area would be susceptible to erosion from the disturbance. Once construction is completed and vegetation is reestablished, erosion and compaction should return to natural conditions.

Vegetation: A deferred treatment grazing scheme would allow the native vegetation to remain healthy. This allotment would continue to meet land health standards.

VRM: During construction, the action may dominate the view, however, once the area vegetation recovers, the natural landscape should return to dominate the view of the casual observer.

Wildlife: Most wildlife species would be displaced during construction activities; however, diversity and distribution of wildlife would be expected to return to normal shortly thereafter. Impacts to wildlife will be avoided during important seasonal timeframes as identified in the proposed action. Habitat near the new water source would be utilized at an increased level by livestock; however, the grazing allocation and terms and conditions prescribed for this allotment would be expected to continue to maintain habitat for wildlife species within this area.

DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1 - NO ACTION:

Cultural: No impact through the No Action alternative.

Livestock Grazing: This section of public domain would not be able to be utilized

Vegetation: No changes would occur in the short term. Over time, the absence of grazing, would contribute to unhealthy vegetative conditions.

CUMULATIVE IMPACTS

There will be no other cumulative impacts from this project in addition to those identified in the Standards for Rangeland Health and Guidelines for Livestock Grazing Management EIS completed in August of 1997. Those cumulative impacts include population increase or decrease, agricultural subsidies, economic competition, and restructuring, wildlife use, management practices and land use changes such as increase recreation use. A detailed discussion of these cumulative impacts can be found on Pages 27 and 28 of the Standards and Guidelines EIS.

MITIGATION:

CONSULTATION/COORDINATION:

Richard Felton, Felton Angus Ranch

LIST OF PREPARERS:

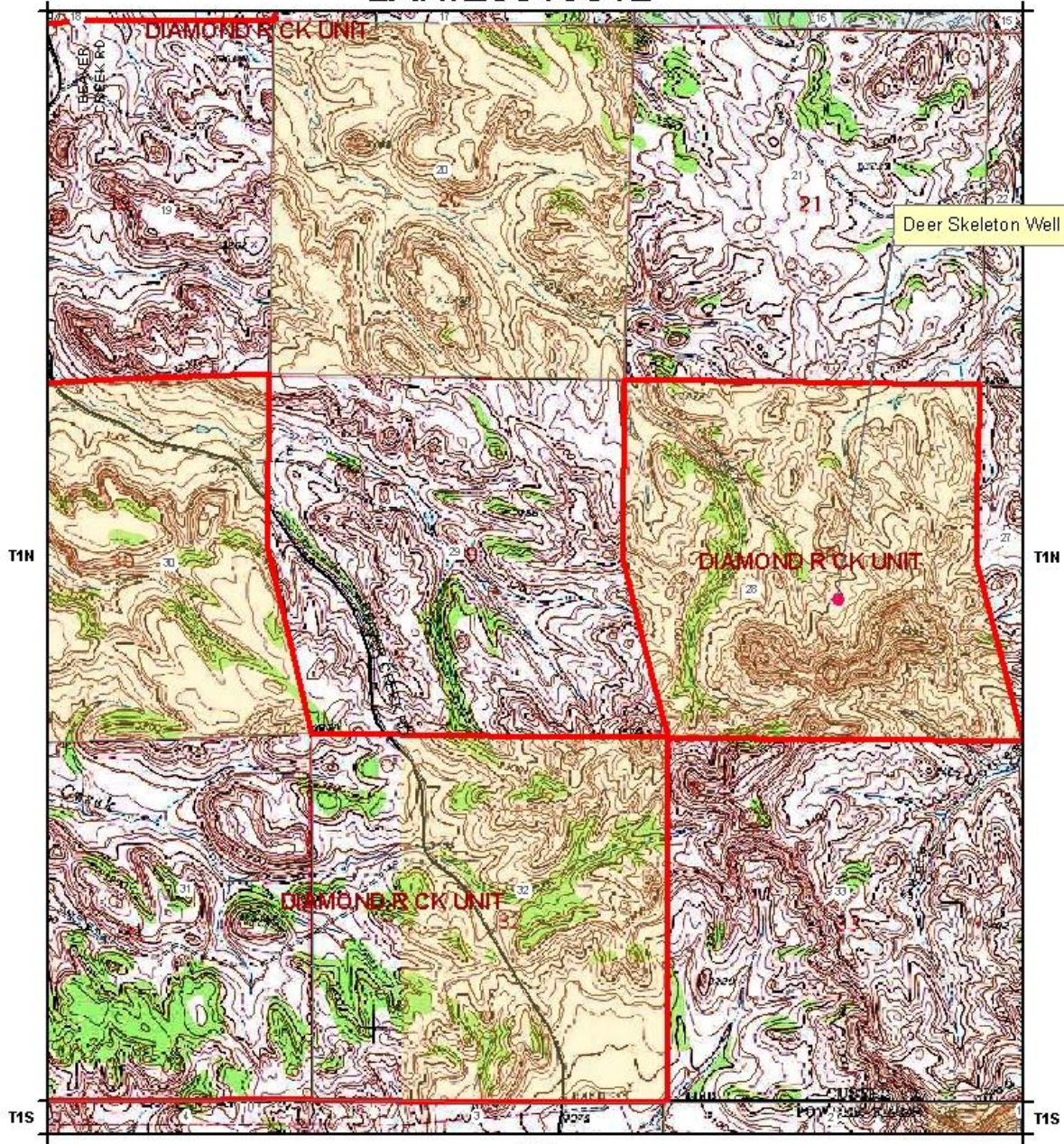
Dawn Doran, Rangeland Management Specialist

Bobby Baker, Wildlife Biologist

CJ Truesdale, Archaeologist



Deer Skeleton Well No. 015812 LXRIE0015812



R45E

Sept 2012

No warranty is made by the Bureau of Land Management
for the use of the data for purposes not intended by the BLM.

1:24,000



BLM - Public Domain
Private
Division of State Lands

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE

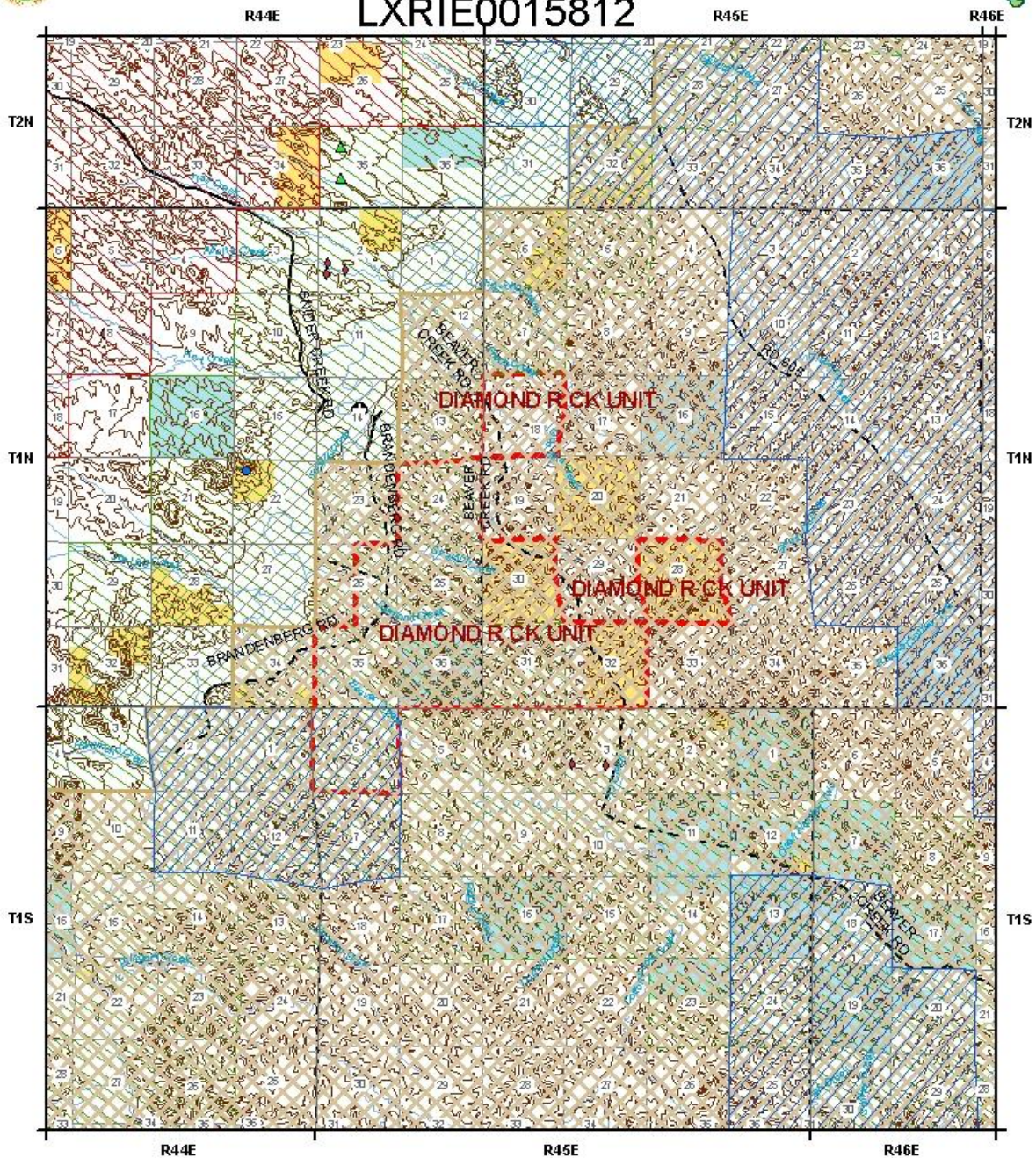
CAUTION:
Land ownership data is derived from less
accurate data than the 1:24,000 scale base
map. Therefore, land ownership may not be
shown for parcels smaller than 40 acres, and
land ownership lines may have plotting errors
due to source data.





Deer Skeleton Well No. 015812

LXRIE0015812



Sept 2012

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

1:100,000



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE

CAUTION:

Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
FINDING OF NO SIGNIFICANT IMPACT

Deer Skeleton Well EA
DOI-BLM-MT-C020-2013-0010-EA

BACKGROUND

The origin of the environmental assessment was due to a request from a grazing permittee to develop livestock water to facilitate livestock grazing on the Diamond R Creek Allotment No. 00463. Coordination between the permittee and BLM led to the proposed action to drill a water well on BLM land.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2013-0010-EA), and all other information available to me, it is my determination that:

- (1) The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the Powder River Resource Management Plan, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota Record of Decision approved in 1997.
- (2) The Proposed Action is in conformance with the Record of Decision for the Powder River Resource Management Plan, as amended; and
- (3) The Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

Context

The proposed action would occur in the Diamond R Creek Allotment No. 00463, designated as available for livestock grazing in the Powder River RMP, as amended. The RMP, as amended, anticipated that rangeland improvements, such as water development, fencing, etc., would occur to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing. The proposed action is in accordance with the Powder River RMP.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the proposed action and all alternatives relative to each of the ten areas suggested for consideration by the CEQ.

1. Impacts that may be both beneficial and adverse. The EA considered both potential beneficial and adverse effects. None of the effects are beyond the range of effects analyzed in the Powder River Resource Management Plan, as amended, to which the EA is tiered.

2. The degree to which the proposed action affects public health and safety. No aspect of the proposed action would have an effect on public health and safety.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. There are no known historic or cultural resource sites that would be affected by the proposed action. A pre-project cultural resource survey was

conducted in conjunction with the location of the EA and did not result in the discovery of significant cultural properties (See the cultural reports listed in the EA). The proposed action would have no effect to cultural properties listed on or eligible for listing on the National Register of Historic Places. There are no parks, prime farmlands, or wild and scenic rivers in the planning area

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects of the actions planned under the Proposed Action or alternatives are similar to many other rangeland improvement projects implemented within the scope of the Powder River RMP, as amended. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The analysis has not shown that there would be any unique or unknown risks to the human environment not previously considered and analyzed in EISs to which this EA is tiered. Rangeland Improvements have been pursued and accomplished for many years in the various vegetation types of the RMP.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

This project neither establishes a precedent nor represents a decision in principle about future actions. The proposed action is consistent with actions appropriate for the area as designated by the Powder River RMP, as amended. Additionally, rangeland improvements within grazing allotments are expected activities within the RMP.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the EISs which accompanied the Powder River RMP, as amended.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

The proposed action will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources (EA, page3).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

There are no endangered or threatened species or its habitat in the project area.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action does not threaten to violate any Federal, State, or local law.



Todd D. Yeager
Field Manager
Miles City Field Office

12/12/12

Date

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
RECORD OF DECISION**

DOI-BLM-MT-C020-2013-0010-EA

DECISION

It is my decision to select the Proposed Action Alternative as described in the Deer Skeleton Well EA. The EA and the FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in rangeland improvement activities, including the construction of a well on public lands within the Diamond R Creek Allotment No. 00463. All design features identified in the EA will be implemented. The selected alternative is in conformance with the Powder River Resource Management Plan, as amended.

ALTERNATIVES

In addition to the selected alternative, the EA considered a No Action alternative and would carry out no management activities at this time. One other Alternative was considered, however, but was not analyzed in detail. The alternative was not considered viable because it would not meet the purpose and need of providing reliable water.

RATIONALE FOR SELECTION

The purpose of the action is to create reliable water to provide for livestock grazing in a manner that will allow the allotment to continue to meet the Standards for Rangeland Health. The selected alternative would most effectively meet the purpose of the action. It would provide reliable water. The No Action Alternative would carry out no management actions thus not meeting the purpose and need of providing reliable water so that livestock grazing would occur in such a manner that would allow the allotment to continue to meet the Standards for Rangeland Health.

CONSULTATION AND COORDINATION

The permittee of the Diamond R Creek Allotment No. 00463 was consulted. The Deer Skeleton Well EA was made available online via the Miles City Field Office NEPA log.

IMPLEMENTATION

Once the Deer Skeleton Well EA FONSI and Decision Record are approved, a Cooperative Range Improvement Agreement would be signed with the Cooperator. Once this Cooperative Range Improvement Agreement is approved by the Authorized Officer, this gives the Cooperator authorization to proceed with the project. A new grazing permit will also be issued.

ADMINISTRATIVE REVIEW OPPORTUNITIES

The following sections of the Code of Federal Regulations, chapter 43- §4120 and §4160 provide authority for the actions proposed in this decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69.047.File.dat/IM2007-137_att1.pdf.

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Office Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

Appeal: Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21, pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b)(1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.



12/12/12

Todd D. Yeager, Field Manager,
Miles City Field Office

Date